THIRTY-FIRST YEAR

THE NEW JERSEY Law Journal

EDITED BY

A. VAN DOREN HONEYMAN

PLAINFIELD, N. J.

Volume XXXI., 1908.

PLAINFIELD, N. J.

New Jersey Law Journal Publishing Company

1908

INDEX TO LEADING ARTICLES

AMERICAN PLAN OF REVISION OF OUR COURTS .....John J. Crandall 130

COMPILATION OF THE CODE OF ETHICS ADOPTED BY THE STATE BAR ASSOCIATIONS 45

CONSTITUTIONALITY OF LICENSE LAWS 205

EDUCATION OF THE GERMAN LAWYER .....Karl von Lewinski 324

EVIDENCE OF TELEPHONE CONVERSATION 138

EXAMINATION OF WITNESSES .....Amos C. Miller 638

INEQUALITIES IN THE ADMINISTRATION OF JUSTICE .....Hon. William H. Taft 269

INJUNCTION AND THE JUDICIARY .....Hon. Jacob Trieber 266

IS BRIEF MAKING A LOST ART? .....Alfred C. Coxe 277

JUDICIAL LIFE IN THE CIRCUIT COURT .....Hon. Frederic Adams 67

LAW AND LAWYERS OF DICKENS .....H. Gerald Chapin 233

LAW SCHOOL IN NEWARK 293

METHODS AND CONDITIONS OF LEGISLATION .....Hon. James Bryce 164

ORAL ARGUMENT .....Hon. Orrin N. Carter. 109

ORGANIZATION OF A COLLECTION DEPARTMENT 296

ORIGIN AND USE OF INJUNCTIONS .....Frederick Dwight 261

PUBLIC UTILITY BILL .....Frank Bergen 101

SHOULD TRIAL BY JURY BE ABOLISHED .....Hal W. Greer 135

SIR MATTHEW HALE .....Henry Flanders 227

SUGGESTIONS TO STUDENTS PREPARING FOR THE STATE BAR EXAMINATIONS
Charles H. Hartshorne 12

THE JERSEY CITY WATER CASES 211

THE USE OF THE WRIT OF INJUNCTION .....Hon. Frederic W. Stevens 357

THE OKLAHOMA CONSTITUTION .....John Bell Sanborn 196

TRUST BURSTING UNDER THE COMMON LAW .....George D. Talbot 331

WOMEN'S SUFFRAGE IN ENGLAND .....Elizabeth B. Butler 202

The letters (abs), (m), (n), (o), and (r) signify, respectively, abstract, miscellany, editorial note, opinion and report.

Aschenberg v. Mundy (abs), 250
Bennett, in re, estate of (o), 88
Bentley v. Fidelity & Deposit Co. of Maryland (abs), 153
Baumann v. Ballantine (o), 179
Blessing v. Smith (o), 375
Bowden v. Gillispie Co (abs), 58
Bower v. Bower (abs), 251
Buck, In re Will of (o), 84
Builder v. Robinson (abs), 23
Butler v. Commonwealth Tobacco Co. (abs), 284
Butterworth-Judson Co. v. C. R. R. of N. J. (abs), 153
Cochran v. Rutter (abs), 250
Collins v. West Jersey Express Co. (abs), 284
Connelly v. Gaddis (o), 77
Cook v. Newby (art), 241
Cosgriff v. Tri-State Telep. & Teleg. Co. (abs), 86
Cuirczak v. Keron (abs), 285
Cunningham v. Castle (o), 310
Delano's Estate, in re (abs), 183
Dougherty v. Dobson (abs), 253
Edwards, in re (o), 367
Edwards v. Bd. Freeholders Sussex Co. (abs), 252
Elsberg v. Honeck (abs), 182
Erie R. Co. v. Van Allen (abs), 184
Farnandis v. Great Northern R. Co. (abs), 87
Flint v. Chaloupka (abs), 177
French v. Lewis (abs), 260
Freeman v. Riker (o), 19
Galen Hall Co. v. Atlantic City (abs), 182
Harris v. Firth (o), 249
Hausen v. De Vita (abs), 154
Haynes v. State (abs), 220
Hughes v. Fuqua (abs), 154
Henry v. Hart (n), 66
Hewett v. Woman's Hosp. Aid Assn. (abs), 253
Iskolsky v. Jacobson (o), 348
Jersey City in re (o), 302
Jersey City v. Jersey City Water Supply Co. (art), 211
Jersey City, in re Commissioners of adjustment (o), 302
Judy v. Beckwith (abs), 368
Knoup v. Carver (abs), 317
Krause v. Krause (abs), 284
Lakewood Twsp. v. Havens (o), 247
Lanning v. Bd. of Excise Comm. of Burlington (o), 178
Lawton v. Bedell (o), 345
Lay v. Hoboken (abs), 23
Leggatt v. Garrick (abs), 114
Lenahan v. Pittston Coal Min. Co. (abs), 154
Liermann v. Milwaukee (abs), 220
Livingston v. Wyatt (abs), 11
Looney v. Piper (o), 87
Lyons v. Allen (abs), 250
Macey Co. v. Macey (abs), 86
Mack v. State (abs), 220
Macon Grocery Co. v. Beach (m), 127
Maroney v. La Barre (art), 215
Martin v. Kelly (abs), 251
Mead v. Baum (abs), 250
Meeker v. Mayor, etc., of East Orange (abs), 285
Meloney v. Erie R. R. Co. (o), 81
Metzler v. Metzler (abs), 251
Minard v. Dover R. & P. O. Gas Co. (o), 114
Montclair, town of v. Scola (abs), 183
More-Jonas Glass Co. v. West Jersey & S. S. R. Co. (abs), 184; (r), 220
Mosman v. Ft. Collins (abs), 249
McCarter v. Dungan (o), 218
McKenzie v. Minard (abs), 23
McManus-Kelly Co. v. Pope Mfg. Co. (abs), 283
McQuown, in re (abs), 248
Neilson v. Russell (abs), 183
Newark School Board, in re (o), 245
New Jersey Bldg. Loan & Invest. Co. v. McNulty (o), 337; (o), 344
Oakley v. Shaw (abs), 183
Ostergaard v. Greek Cath. Cong. of St. John The Bapt. (abs), 59
Palmer, In re Will of (o), 147
Parker v. Travers (r), 18
Patton v. Bank of La Fayette (abs), 90
People v. Maughs (abs), 372
Pike v. D. L. & W. R. R. Co. (o), 81
Pilmer v. Boiste Trac. Co. (abs), 356
Pleasantville v. Atlantic Suburban Tract. Co. (abs), 58
Pleasantville Boro. v. Pleasantville Water Co. (abs), 252
Proudfoot v. Saffle (abs), 260
Pryor v. Gray (abs), 284
Romaniak v. No. Jersey St. Ry Co. (o), 244
Ryder v. Turkel (abs), 252
Sapp, in re (abs), 265
Schneider v. Winkler (o), 373
Schock v. Garrison (abs), 285
Sexton v. Comm. of Asbury Park (o), 143
Sheriff of Monmouth Co., In re (o), 17
Shreveport v. Dantes (abs), 253
Silverman, In re (abs), 154
Sitley & Son v. Morris (abs), 22
Spence v. Spence (abs), 378
State Coun. Jr. O. U. A. M. v. Nat. Coun. Jr. O. U. A. M. (abs), 251

State v. Brady (abs), 100
State v. Callahan (abs), 250
State v. Delancy (abs), 250
State v. Deliso (abs), 153
State v. Dilts (o), 151
State v. Elson (abs), 323
State v. Herron (m), 253
State v. Lang (abs), 57
State v. Thompson (o), 146
State v. Warcholick (abs), 137
State v. Watson (art), 240
State v. Way (abs), 295
State v. Winby (abs), 100
Stitt v. Yanctacaw Real Estate Co. (art), 216
Sulk in re (abs), 318
Trenton, diocese of v. Toman (o), 243
Trenton Diocese v. Toman (abs), 378
United States v. Pecke (abs), 248
Van Horne, in re (abs), 377
Van Syckel v. Johnson (o), 369
Voigt v. Dowe (abs), 285
Vulcan Detinning Co. v. Amer. Can Co. (abs), 252
Waggoner Co. v. Winters (o), 90
Whitcomb v. Brant (o), 149
Whitcomb v. Brant (abs), 252
Williams v. Brokaw (abs), 318
Williams v. Brokaw (r), 242
Welsh v. Lawler (abs), 58
Zent v. Sullivan (abs), 285

INDEX TO SUBJECTS

The letters (abs), (m), (n), (o), and (r) signify, respectively, abstract, miscellany, editorial note, opinion and report.

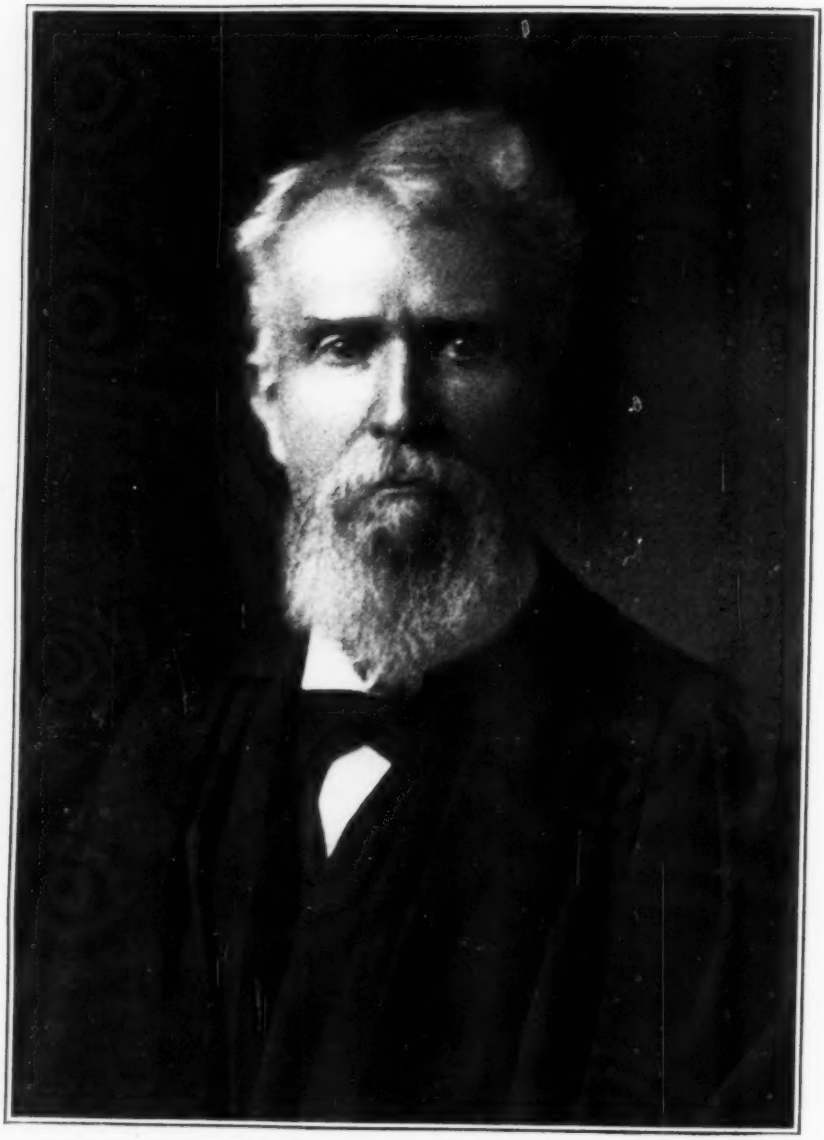
Abateman, affidavit annexed to plea in (abs), 250
Accounting, averment in bill in equity (abs), 252
Ackerman, Senator, adoption of civil service bill of (n), 65
Amendments, granting and refusing of (abs), 182
American Bar association, annual meeting of (m), 221
Appeal, decrees in equity, time for taking (abs), 251
Appeal, error in printed case (abs), 154
Estoppel to question judgment (abs), 284
Failure to file in time (abs), 23
Review, upon questions of fact (abs), 250
Stay of execution (r), 18
Argument oral essentials of (art), 109
Arbitory, regulation of use of (o), 218
Attachments, income from trust funds (o), 179
Attorney, compensation of (abs), 153
Disbarment of, mandamus (o), 19
Attorney-general, increasing the salary of (n), 355
Attorneys (See Examination Questions)
Automobile, liability of owner for servant's injury (o), 310
Restraining propelling of (o), 243
Taxation on (art), 175
Bail, special, legal discharge of (o), 87
Ballots, disputed, ruling on (o), 17
Bankrupt, time limit for discharge (abs), 154
Bar examinations, suggestions to students (art), 12
Bar of N. J., admission to (m), 30, 123, 222, 384
Bartine, ex-Judge John D., obituary (m), 223
Bathing beaches, necessity for superintendent of (n), 226
Bayonne, Mayor of, opinion as to holding two offices (m), 95
Bentley, Peter, disappearance of (m), 23
Return of (m), 91
Bergen, Justice, dinner to (r), 15
Betting, verbal test case against (n), 193
Bigamy, sufficiency of evidence of (o), 146
Bishops' law, constitutionality of (n), 193
Black, Charles, appointed Circuit judge (n), 37; (m), 59
Tribute to (m), 128
Book Notices:
American Bar Association, Report of 13th Annual Meeting (m), 159
Clayton, Joseph C., The True Constitution (m), 223
Corporation, Laws of N. J. on (m), 160
Frost, Thos. G., Treatise on Incorporation and Organization of Corporations (m), 160
Garrison, Carlisle, New Jersey Annotations (m), 64
Gilbert, Bender and Hinman, Street Railway Reports (m), 352
Hartpence, John A., N. J. Lawyers' Diary (m), 64

Joyce, Howard C., Treatise on the Law Governing Indictments (m), 192
Mackay and Newman, Digest of Decisions of Law and Equity Courts of N. J. (m), 32; (m), 64
Mallory, John A., Compiled Statutes of the United States (m), 32
Parker, John S., The Corporation Manual (m), 160
Roeder, Rev. Adolph, (Practical Citizenship (m), 192
Schoeler, James, Ideals of the Republic (m), 352
Skinner, Alfred F., The New Jersey Borough Law (m), 320
Stimson, Frederic J., Law of Federal and State Constitutions of the United States (m), 192
Street Railway Reports (m), 32
Tiffany, Francis B., Handbook of the Law of Sales (m), 192
Brief-making, is it a lost art? (art), 277
British museum, restrictions in reading room of (n), 291
Bryce, Ambassador, address by (n), 163
Legislation, methods and conditions of, address on (art), 164
Building and loan association, stockholders, mortgage debt (o), 337
Burglary, possession of stolen goods as evidence (abs), 100
Campaign contributions, publicity of (n), 321; (n), 356
Certiorari, application for writ of in school board proceedings (o), 245
Questions of fact (abs), 252
Chattel mortgage, witness to execution of (abs), 284
Charities, request to keep graveyard in repair (o), 369
Christian science, verdict against (r), 240
Christie, Cornelius, obituary (m), 126
Civil service act (n), 65; (n), 129; ;(n), 322; (n), 354
Civil service candidate (m), 24
Circuit court, assignments to (m), 61
Judge, vocation of (art), 15
Judicial life in (art), 67
Cleveland, Grover, will of (m), 319
Cloke, William, appointed commissioner of public reports (m), 287
Colby, Everett, admitted to N. J. bar (m), 118
Collection, organization of department of (art), 296
Commission, appointed to revise statutes, suggestions by bar (n), 292
To revise statutes, letter of (m), 318
On uniform state laws (art), 363
Constitutional amendments (n), 99; (n), 191; (r), 202
Contracts, governed by laws of state lex loci (abs), 317
Public policy (o), 249
Corporation, access to books of (o), 345
Amount of capital of (o), 345
Insolvency of (abs), 283
Municipal, repeal of ordinance of (abs), 183
Presentation and allowance of claims of (abs), 284
Service of process on foreign (abs), 184
Counsel fees, exceptions to executors accounting (o), 88
Counselors (See Examination Questions)
County boards, abolition of (n), 35
Courts, American plan of revision of (art), 130
Reorganization of (n), 34
Crime, celerity of punishment of (n), 66
Information on belief (abs), 11
Sentence for excess (abs), 248
Witness identifying accused from voice (abs), 220
Criminal law, American, failure of (art), 364
Failure to produce witness (abs), 250
Prosecution before justice (abs), 114
Time of trial (o), 151
Cross-examination, preparation of notes for (art), 38
Death act, striking out plea (o), 244
Debt, imprisonment for on civil process (r), 215
Demarest, Judge, appointment of (m), 95
Dickens, laws and lawyers of (art), 233
Disorderly houses, admission of children to theatres (n), 5
Private club (abs), 249
Distress, landlord and tenant (o), 149
Divorce, effect of repentance and reform on action of (art), 361
Attorney's fees (abs), 285
Decree of dismissal (abs), 377
Increasing of (art), 360
New law governing (n), 5
Residence of complainant, cruelty (abs), 251
Dutton, George R., obituary (m), 126
England, women's suffrage in (art), 202
English, N. C. J., gives up practice (m), 154
Errors and appeals court, new rules concerning (m), 379
Error, writ of, review (abs), 58; (abs), 154
Essex Co. Lawyers' club, meeting of (m), 156
Ethics, compilation of codes of (n), 37; (art), 45
Examination Questions, N. J. Bar (m), 26, 119, 187, 379
Exceptions, bill of, not considered unless sealed (o), 373

Excise laws, enforcement of in Atlantic City (n), 289; (r), 348
Revision of (n), 34
Execution, lien, sale, title of purchaser (abs), 22
Executor, exception to accounting of (o), 88
Evidence, admissibility to affect writing (abs), 285
Application of photography to obtain (art), 209
Books of account as (abs), 250
Direction of verdict in favor (abs), 284
Federal courts, issue of injunctions by (n), 259
Fees and costs, allowance to counsel (o), 88; (abs), 378
Amendments to bill of (abs), 153
Contingent (n), 225
Firearms, fatalities caused by (n), 323
Fish and game act, complaint for penalty (o), 114
Foreclosure, final decree, execution (o), 344
Fort, Governor, address of (n), 33; (n), 193
Inauguration of (m), 59
Appointments by (m), 59; (m), 91; (m), 185
Message of (n), 100; (n), 290
On statutory revisions, 112
Gambling, keeping card tables (abs), 265
Speculative transactions in (o), 375
Garrison, Justice, banquet to (m), 60
Glemp, Charles T., obituary (m), 63
Godfrey, Burrows C., obituary (m), 288
Grant, Israel B., disbarment of (m), 91
Grand jury, charge to, illegal payments by Ocean Co. Bd. of Chos. Freeholders (n), 6; (r), 140; (r), 141; (r), 348
Presentment by Essex (n), 5
Qualification of jurors (abs), 57
Graveyards, request to keep in repair (o), 369
Green, Judge, on the Bishops' law (n), 193
Gummere, Chief Justice, re-appointed (n), 37; (m), 59
Renewal of oath (m), 379
Hackmen, licensing of (o), 247
Hale, Sir Matthew (art), 227
Heisley, judge, remarks at Pitney and Bergen dinner (r), 16
Hendrickson, Justice, banquet to (m), 155
Portrait of (m), 31
Retirement of (n), 99
Hepburn railroad act, commodities clause unconstitutional (n), 257
Passes for advertising under (art), 301
Hetfield, Walter L., assistant prosecutor, appointment of (n), 124
Higbee, Judge, re-appointment of (m), 91
Holmes, Donald, obituary (m), 256
Hotel, rights of guests of (n), 66
Howell, David C., obituary (m), 351
Hudson Co. Bar dinner (m), 92
Husband and wife, action by husband for injury to intended wife (abs), 250
Indictment, description of account (abs), 250
Infant, demurrer, replication (o), 81
Inheritance tax law, establishment of (n), 4
Injunctions by Federal courts (n), 259
Irreparable injury by (abs), 285
Judiciary and (art), 266
Origin and use of (art), 261
Use of the writ of (art), 357
Insane persons, costs (abs), 317
interrogatories dismissal of (o), 348
Interstate commerce, express companies (n), 260
Intoxicants, forfeiture of license for selling of (abs), 285
Ignorance of, no defence for selling (abs), 220
Inherent right of sale of (n), 193; (r), 200
Licensing of selling of (o), 143; (o), 178
Jersey city water cases (art), 211
Effect of Martin act, etc. (o), 302
Judiciary amendments, work of Legislature on (n), 161
Jurisdiction of orphans' court over legacies (abs), 251
Jury, challenging member of (abs), 153
Justice, inequalities in the administration of (art), 269
Kelly, court stenographer, re-appointment of (m), 154
Knickerbocker Trust Co., compensation to receiver of (n), 100; (n), 161
Landlord and Tenant, eviction of Tenant (o), 149
Landlord's refusal to allow improvements (abs), 252
Non-suit, negligence (o), 77
Language, as to a universal (n), 292
Law, equal protection of (abs), 377
School, establishment of in Newark (r), 293
Lawyer, advertising by (n), 226
Duty toward client (n), 98
Failure to examine decisions (abs), 372
German, education of (art), 324
Leaming, Jeremiah, obituary (m), 92
Legislation, methods and conditions of (art), 164
Legislature, reforms enacted by (n), 129
of 1909, work of (n), 353
Libeler, conviction of (r), 366
License, camp meeting act (o), 143
Constitutionality of laws of (art), 205
In tavern near church (o), 178

License (see Intoxicants)
Lindabury, Richard V., injury to (m), 185
Lis pendens, vacating of writ of (r), 216
Magie, Chancellor, dinner to (m), 60
Tribute to (r), 72
Retirement of (n), 36.
Mandamus, demurrer to alternative writ (abs), 252
Disbarment of attorney (o), 19
Motion to strike out return (abs), 252
Municipal board (abs), 23
Traction company (abs), 58
Marriage, annulment, retroactive statute (abs), 318
Minor may end bond of (r), 242
Married womans' act, conveyance (abs), 22
Martin act, in Jersey City (o), 302
Master and servant, liability of owner of automobile for servant's injury (o), 310
Minturn, James F., appointed Justice (n), 37; (m), 59; (m), 95
Bar dinner to (m), 60
Morgan, J. Willard, token of esteem to (m), 96
Morris canal and banking company, decision as to (n), 353
Mortgages, defects in title of (abs), 183
Foreclosure (abs), 58
Motions, making unnecessary (n), 260
Mott, prosecutor, appointment of (m), 118
Municipal corporations, defects in streets (o), 373
Municipalities, government of (n), 1
Murder, misconduct of spectator at trial (abs), 100
McCarter, Attorney-General, re-appointed (m), 59
McDermott, Allan L., obituary (m), 350
Negligence, boy disobeying printed rule (abs), 253
Contributory, employment of boy (abs), 154
Defects in streets (o), 373
Hospital not immune from liability (abs), 253
Sidewalk, landlord and tenant (o), 77
Street car crossing (abs), 356
Newark grade crossing, abolition of (r), 214
New Jersey law school, established in Newark (r), 293
Law society (m), 93
Nugent case, application for writ of certiorari in (r), 176
Obituaries:
Bartine, Ex-Judge John D. (m), 223
Christie, Cornelius (m), 126
Dayton, William C. (m), 351
Dutton, George R. (m), 126
Glemp, Charles T. (m), 63
Godfrey, Burrows C. (m), 288
Holmes, Donald (m), 256
Howell, Judge David T. (m), 351
Leaming, Jeremiah (m), 92
McDermott, Allan L. (m), 350
Roszel, J. Henry (m), 32
Ryan, Dennis B. (m), 127
Salmon, Irving E. (m), 63
Terhune, William L. (m) 31
Young, Henry (m), 124
Official, state, removal of (n), 35
Oklahoma, constitution of (art) , 196
Opinions, new rule as to announcements of (m), 118
Ordinances, judicial notice of (abs), 182
Orphans' court, jurisdiction over suits for legacies (abs), 251; (o), 367
Parcels post, inauguration of (n), 4
Parker, Cortlandt, tribute to (m), 24
Justice, bar dinner to (m), 50; (m), 62
Peddlers, ordinance as to selling (abs), 253
Penalty, complaint under fish and game act (o), 114
Photography, application of to obtain evidence (art), 209
Pitney, H. C., public records, definition of (art), 14
Justice, dinner to (r), 15
Appointed Chancellor (n), 36; (m), 59
Platforms of political parties (n), 97
Poetry in the law (art), 241
Postal savings banks, inauguration of (n), 3
Practice, rule to show cause, error (r), 220
Primary law, victory for (n), 257
Process, imprisonment of debtor by civil (r), 215
Service and return of writ of (abs), 58
Promissory notes, negotiability (o), 249
Public records, definition of (art), 14
Public utility, bill for (n), 98; (art), 101
Railroads, assessment of taxes on (n), 162
Ready, Matthew J., convicted of forgery (m), 62; (m), 94
Receivers' fees (n), 161
Replevin, goods payable on delivery (abs), 260
Replevin, landlord and tenant (o), 149
Roosevelt, President, message of (n), 37
Roszel, J. Henry, obituary (m), 32
Ryan, Dennis B., obituary (m), 127
Salmon, Irving E., obituary (m), 63
School law, women as voters (o), 245
Scott, Lewis P., Atl. Co. clerk, death of (m), 23
Sealed instrument, replication (o), 90
Sheriff, expenses incurred by Essex county (r), 207
Speer, William H., appointed Circuit court judge (m), 23
State Laws, work of commission on uniform (art), 363
Library, accumulation of printed matter in (n), 354

Statutes, commission to revise, suggestions by bar (n), 292
Statutory revisions, the governor on, 112
Strong, Alan H., appointment of as commissioner (m), 185
Students, N. J. Law, organize (m), 93
Suffrage, women's in England (art), 202
Summons, a curious (m), 118
Sunday law, closing of barber shop (abs), 362
Supreme court, new rule for admission to (m), 378
Taft, William H., elected president (n), 321
Taxation, Definition of "property within this state" (abs), 183
Inheritance, non-resident stockholder liable to (abs), 183
Stock of foreign corporation (abs), 368
Taxes, assessments against Lehigh Valley R. R. Co. (n), 353
Railroad assessment of (n), 162
Teeple, Irving W., N. Y. attorney admitted to bar (m), 23
Telegraph, construction of on highways (abs), 86
Telephone, admission of conversation over (art), 57; (art), 138
Terhune, William L., obituary (m), 31
Theatres, admission of children to (abs), 377
Title registration law in New York (n), 323
Trial, granting of new (abs), 184
Jury, abolition of (art), 135
Trust funds, residuary estates (o), 147
Trusts, bursting of under common law (art), 331
Usury, computation of interest (abs), 90
Vehicles, licensing of (o), 247
Verdict, directing of (abs), 251
Evidence, direction of, (abs), 284
Vicars, George T., appointed Hudson prosecutor (m), 23
Voorhees, Willard P., appointed Justice (n), 37; (m), 59
Assignment to Ocean Court (m), 95
Dinner to (m), 61; (m), 155
Ex-Governor, indictment of (m), 92
Voting machines, constitutionality of (o), 245
Defeated at election (n), 290
Vredenburgh, Peter, appointed assistant prosecutor (m), 349
Vreeland, John B., re-appointed U. S. attorney (m), 23
Water, rights to percolating (abs), 285
Will, application to prove (o), 367
Probate of (o), 84
Trust fund, residuary estate (o), 147
Wilson, Edmund, appointed attorney-general (n), 355



JUSTICE CHARLES E. HENDRICKSON.